

RECORD OF PROCEEDINGS
OF THE GOVERNING BODY
CITY OF GARDNER, KANSAS

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February 1, 2021

The City Council of the City of Gardner, Kansas met in regular session on February 1, 2021, at 7:00 p.m. in the Council Chambers at Gardner City Hall, 120 East Main Street, Gardner, Kansas, with the Mayor Steve Shute presiding. Present were Councilmembers Todd Winters, Mark Baldwin, Randy Gregorcyk and Tory Roberts. City staff present were City Administrator James Pruetting; Police Chief James Belcher; Utilities Director Gonzalo Garcia; Parks and Recreation Director Jason Bruce; Community Development Director David Knopick; City Engineer Tim McEldowney; Finance Director Matthew Wolff; City Attorney Ryan Denk; and City Clerk Sharon Rose. Others present included those listed on the attached sign-in sheet and others who did not sign in.

CALL TO ORDER

There being a quorum of Councilmembers present, Mayor Shute called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Shute led those present in the Pledge of Allegiance.

PRESENTATIONS

1. Proclamation recognizing Kylie Lynn Hayes' participation in National Field Archery Association 2020 Outdoor and Indoor Championship Competitions

Mayor Shute read into record a proclamation recognizing Kylie Lynn Hayes' participation in National Field Archery Association 2020 Outdoor and Indoor Championship Competitions.

PUBLIC HEARINGS

PUBLIC COMMENTS

David Drovetta, 735 N. Mulberry St., spoke in favor of an appointment of John Tramble Jr. to fill the council vacancy from Rich Melton's resignation. John is currently an area realtor for 6 years. Prior to that, he served as air traffic controller for 22 years, after serving in the Air Force. That experience is a clear indicator of an ability to work through challenges in a calm and steady manner. John has the strength of character to fulfill the role of council member. He is open to, and welcomes, input from all sources. He is very even tempered, and reacts to situations with a calm, cool demeanor. He is active in our community as a member of the Gardner Rotary and American Legion Post 19. He has no public ties to any political party. Nature of city governance is such that political motivations are not helpful, and are often detrimental to the operation of the local community. John would not be a controversial appointment. A review of his social media posts only reveals a devotion to his wife and two rescue dogs, and should not create general anxiety with the community at large. Council appointments are an opportunity to bring new ideas and perspectives to the governing body. John would bring an attitude of care and service to the community. Mr. Drovetta encourages the governing body to allow John the opportunity to serve.

Mayor Shute read a public comment into record via an email from Rodney 'Pete' Pace, 530 W. Washington St.: "To whom it may concern: Can we please vote tonight to allow fireworks on February 7 even if it's only for a few hours? We could be the talk of the town if we allowed fireworks to celebrate another Superbowl and at the same time legally show our support to the CHIEFS!"

CONSENT AGENDA

- 1. Standing approval of the minutes as written for the regular meeting on January 19, 2021**
- 2. Standing approval of City expenditures prepared January 15, 2021 in the amount of \$2,468,117.28; and January 22, 2021 in the amount of \$655,154.14**
- 3. Consider reappointment of Bryce Augustine to the Utility Advisory Commission**
- 4. Consider the appointment of Harrison Hall to the Economic Development Advisory Committee**
- 5. Consider the purchase of four (4) 2021 Ford Police Interceptor Sport Utility Vehicles**

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6. Consider authorizing the purchase of water meters and communication modules for new development

Councilmember Baldwin made a motion to approve the Consent Agenda.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

PLANNING & ZONING CONSENT AGENDA

COMMITTEE RECOMMENDATIONS

OLD BUSINESS

NEW BUSINESS

1. Consider the appointment of a Public Works Director

City Administrator Jim Pruetting said they received seven resumes for the position and selected three qualified candidates. The selection committee consisted of the City Administrator, Community Development Director, Utilities Director, and Human Resources Manager. Three candidates were interviewed. Mr. Headlee was the unanimous choice of the panel. He spent 20 years in the Navy. The committee focused on how his experience would translate into the public sector. They spent time on it in the interview, and Pruetting spoke to him individually. While his projects have been in the Navy, he has extensive experience working with civilians and with local and state jurisdictions on large projects. Pruetting is confident he has a good personality and strong leadership ability. He will be a strong addition to staff.

Councilmember Gregorcyk appreciates Mr. Headlee's service to the Navy. Gregorcyk works for a company that is an Ability One contractor to the military and there's a three to one ratio for every person serving in the military, and believes him to be a good fit based on the ratio and on his experience, and will bring a new filter to the organization.

Councilmember Baldwin thanked Pruetting for addressing the translation. His resume is impressive, but projects weren't tied directly to civil engineering. If he was the unanimous choice, and staff believes he'll be able to handle those projects well, then Baldwin supports. Pruetting noted Mr. Headlee teaches leadership at the naval academy. It was an impressive interview.

Councilmember Winters asked about start date. Pruetting said it would be March 1.

Councilmember Gregorcyk made a motion to appoint Kellen Headlee as the Public Works Director.

Councilmember Baldwin Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

2. Consider adopting an ordinance amending the City of Gardner's Base Salary Structure; and consider reclassifying a city position

City Administrator Jim Pruetting said the Deputy City Administrator position would oversee the functions of Human Resources, Information Technology, and Building Maintenance departments, and coordinate other administrative tasks and responsibilities as outlined in the job description. The position will assume overall project management responsibility for large city projects with project oversight authority of department heads and coordination with outside entities. Cost avoidance through alignment of project goals and timelines to minimize costly delays and project costs overruns will be an important benefit of this position. Another area of need related to council feedback is a reduction of the use of consultants to complete city plans and studies. The position will be responsible for the maintenance and updating of existing plans and studies, and the creation of new ones where practical to self-perform those tasks. The Human Resources Manager completed a salary survey, and it's recommended that the Deputy Administrator position be assigned to salary grade 10. The Senior Mgmt Analyst position will be reclassified

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to Deputy Administrator, and incumbent Amy Nasta would be appointed to that position. No addition FTEs will be added to the city budget.

Councilmember Roberts said the FTE is in budget, but is the money in the budget? Pruetting said no, there will be an increase in that amount. Roberts asked if any training or classes will be needed? Pruetting said no. She will have opportunities for development training. Roberts asked what the process was. This is a high-level job position, why was it not opened for interviews like the director that was just appointed? Pruetting believes if they have a qualified candidate, they should be elevated. Ms. Nasta is an exceptional talent. They elevated Chief Belcher and Finance Director Wolff without going outside for interviews. If he was to go outside, he'd be looking for Ms. Nasta. It's not fair to bring in candidates, whether internal or external, when he believes the perfect candidate is in front of him.

Councilmember Gregorcyk asked Director Wolff to explain the loaded rate. \$37,000 is not all just rate of pay; there are overhead items. Director Wolff said \$31,000 was the salary increase. At the director level, there are a lot of meetings throughout the metro, so there's a \$4,800 vehicle allowance. They also have the option of a city issued cell phone or a stipend. Gregorcyk noted the reference to cost avoidance. They should see a cost avoidance in project overage. There will be cost avoidance in self-performing studies; Ms. Nasta won't fill 100%, but should be able to reduce the incumbent dollars in the consulting budget. They would be able to realize an example of doing things in-house that may lead to, in the future, bringing on subject matter experts to give flexibility to self-perform. Pruetting agreed.

Councilmember Winters said the improvements in efficiency and cost avoidance will be worth the investment. If they have the qualified candidate, why waste the time and effort?

Councilmember Baldwin said if this position was created and Ms. Nasta didn't exist, they'd go through the interview process looking at everything. Does Ms. Nasta meeting those qualifications as far as managing people? She will be overseeing three departments. Does that fit with a director level pay scale 9 versus 10? It's a director position plus additional duties. There will be in-house management, saving money in that regard. This being Ms. Nasta doesn't matter, because if they have the candidate, they have the candidate. She could have been outside. Baldwin supports, and looks forward to saving on project development costs.

Mayor Shute said that's the main impetus for this move. The city hasn't been responsive for some projects. Ms. Nasta has wealth of project management knowledge and understanding. She's a strategic thinker, which is important in this role and will help streamline internal processes. Cost avoidance is a big part of this.

Councilmember Winters made a motion to adopt an ordinance adopting a revised City of Gardner Base Salary Structure Fiscal Year 2021-2022; and reclassify and appoint Amy Nasta to Deputy City Administrator.

Councilmember Baldwin Seconded.

With a majority of the Councilmembers voting in favor of the motion, the Ordinance passed and was assigned Ordinance number 2694.

Baldwin:	Yes
Winters:	Yes
Gregorcyk:	Yes
Roberts:	No

3. Consider authorizing an agreement with the Gardner Chamber of Commerce

Finance Director Matt Wolff said the proposed agreement is for one year, ending on December 31, 2021. The proposed agreement would provide \$40,000 in funding to the chamber for business services. This is the same level of funding in 2020. The funding is proposed to come from transient guest tax funds in the Economic Development Fund.

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Jason Camis, Gardner Chamber of Commerce, said 2020 was an odd year. They learned to be flexible and be able to pivot. Their three focuses are to be a catalyst for business growth, convener to bring people together, and be a champion for a stronger community. Last year, they worked with the city to provide PPE supplies for businesses and residents at cost. They were able to get that out before businesses could source it. They provided vital information about PPP and other funding opportunities. Businesses were able to get loans and contacted the chamber for the initial information. The chamber provided funders and resources. They called all businesses, even non-members, to ask what they needed. They provided a restaurant guide of what restaurants were open and what type of services they offered. They implemented a page on their website with COVID related information. They started Good News Gardner, which is a bi-monthly Facebook Live show to highlight the good things happening with businesses. The show tomorrow will be talking about vaccines and vaccine distribution. The chamber focuses on economy. They want people out participating in economic activity. They produced the fourth annual GE Magazine, which reaches 12,000 households in southwest Johnson County. They assist monthly Harvesters distribution, particularly in marketing support. They do the same for the Farmer's Market and City-Wide Garage Sale. They bring people together, and while they couldn't do that a lot last year, they tried to do it responsibly. They did grand openings just before the lock-down, and some after that were done safely. They continue to do tourism promotion. While people aren't traveling, they found small ways to do it through partnerships with the regional Destination Alliance, with Northeast Kansas Tourism. There's an app called Autocast where they promote different trips, like the taco trails or beer trails. There is a coffee trip, and out of the 15 communities, Groundhouse was the 2nd most visited location throughout the metro. They added a newsletter in April as a way to connect with people. They are focused on both business and community information. They encourage and push people to shop local, and put an extra effort on that in 2020. They added 30 new members in 2020. They continued strong relationship with existing members. Their Net Promoter Score (NPS) is 82. That is a high end, top of the line score and is well above chamber average. They've updated the business list; it takes a lot of time to reach out to all the businesses. They still need contact information for non-affiliate businesses so when they send out information, like PPP funding, they want to reach them all. They aren't just serving their members, they want the business community as a whole to be successful.

Camis said they started rebranding. It's taken longer because they partnered with Strategy. They have both a marketing and a technology side. They did a brand analysis. Camis brought a preview of the new logo and what the brand will look like. The brand analysis allowed them to think about what Gardner is and who they are, and how the interface with the business community and the city. The logo has some language under it about the city. They will have a new website and somewhat new social media presence. Camis estimates they are 80-90% done. They debated variations on the name and came back to Gardner Chamber, which is what they were when established in 1975. Before Camis arrived, they'd had three name changes in three years, then added Edgerton and changed again. They want people to know this is the same chamber. The focus and efforts are on the city of Gardner, and they are proud of it.

Camis summarized the 2021 plans. They are changing the 'new resident' bags by delivering them to households with Erica Drinkard, the new Community Policing Officer. It's a great partnership from the city. It's a great way to welcome people to the community. It's a great way for Officer Drinkard to meet people in the community. They are going to do some ribbon cuttings and promotions for some businesses that opened last year and couldn't have them. They are going to review the GE Magazine and incorporating new branding. They put aside the community leadership program for a year, and Gardner You took a year off, but they want to partner with the city and combine those two into a new model. Most programs are run in the spring, so this will give them a year to prepare for next spring. They are revisiting tourism plans for 2022 as the economy comes back. They have been researching association health insurance and how the chamber may facilitate that for the business community. They will continue to work with existing businesses and work on attracting new. They are helping make connections and share the good message about Gardner. If council has any ideas, they'd love to hear them. They want to have a strong partnership to provide services to the business community and to the residents.

Councilmember Gregorcyk asked about the transient guest tax fund balance. Director Wolff said it's good. They expected it to take a hit last year, but they had \$200,000 in revenue and the balance is \$136,000. Gregorcyk asked

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if that balance is after the SWJCEDC and Chamber contracts. Wolff confirmed and said there was also a small business assistance program as well. Gregorcyk enjoys the newsletter and Good News Gardner. How many businesses did they lose during this trying time? Camis said he could count them on one hand. Two or three, but not many. Businesses were resilient. Some are struggling, and they are working through it. They lost The Locale event space, but then Restoration Church moved in. Gregorcyk supports the Chamber and the EDC, and notes he would like to see representatives more than just annually. Camis wanted to come back in the fall, but waited until he had more details on rebranding.

Councilmember Gregorcyk made a motion to authorize the City Administrator to execute an agreement with the Gardner Chamber of Commerce for business services for one year, ending December 31, 2021, in the amount of \$40,000.

Councilmember Winters Seconded.

With all of the Councilmembers voting in favor of the motion, the motion carried.

COUNCIL UPDATES

Director Bruce noted they released a brief 4th of July video announcing headliner Dylan Scott for the celebration. Staff are working on other talent, and more information will be coming soon.

Director Garcia had a meeting with KDHE. He asked them if the city can put the south wastewater plant on the south end. They have reservations, but would consider a 750,000 gallon plant. Preliminary calculations were at 1,250,000 gallons, but they believe that size would have a greater impact to Hillsdale Lake, so they reduced it to 750,000. If the city goes with that size of plant, KDHE are unwilling to expand it in the future. This would be a one-time plant. Staff and GBA will begin looking at other alternatives. A 750,000 plant will last about 7-10 years. Then they would have to do something with Kill Creek. Mayor Shute asked if there would be an option at that point is that no longer near term and they can look at something else. Garcia said based on the information they have now, it doesn't seem possible. Councilmember Gregorcyk asked what is driving the change. Garcia said the city was trying to put in a package plant, and they rejected that idea, so the next step was to put in a permanent facility. The original estimates were 750,000, but with additional development coming in over the next few years, GBA estimated they would need a 1,250,000 plant. City Administrator Pruetting said they will follow up on this. The director that was there for several years left, which may be part of the issue. Shute said it's better to know this now rather than later.

City Engineer McElDowney said they opened bids for police building demolition, and they'll move forward with the contract. Mayor Shute asked when that would take place. McElDowney said they will bring it to council in two weeks. Construction could begin a week or two after authorization.

Director Knopick said he will be getting the EDAC started again soon. Next month, Planning Commission will start meeting on the 4th Monday of each month, instead of the 4th Tuesday. Mayor Shute noted people are used to things happening at city hall on Mondays, so they may have better attendance.

City Attorney Denk said with Melton's resignation from council, there were questions regarding the appointment process under code and charter ordinance. He looked at language in charter ordinance and how it's been interpreted and applied in the past. The language hasn't changed in years, and it's been applied that the appointee serves out the remainder of the vacating member's term of office. Councilmember Roberts asked if they should revise that to be more clear. Denk said that will come back with the charter ordinance for moving the election date. He worked on language to make it clear they will serve the remainder of the term. Mayor Shute noted that a lot of charter ordinances will need to be updated for a first class city designation. He noted that Ms. Nasta had begun identifying charter ordinances that would need modification. Councilmember Gregorcyk asked when Denk would bring forth the charter ordinance. City Clerk Rose said it's scheduled in March. Denk said the amendments he made clarified the language to what the past practice has been under the current language. It won't change what they are doing. Clerk said March or April. Gregorcyk said he was appointed years ago for short time. Because he was appointed and not elected, he didn't feel compelled as if he was representing the

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community at that time. Melton's term has 3 years left, and they will have someone in a seat for three years that wasn't duly elected. They should have some caution going into this appointment process for that amount of time. It's about representation. Denk said what is the will of the body, they would make it so. He asked them to consider the rotation of membership. If they get off the schedule, they could end up with total turnover of the governing body at one election. They don't want to do that for a continuity of leadership. Gregorcyk agrees with that pro/con, but wanted to bring it up regarding representation, the span of time an appointee serves as a non-elected member. Denk noted another revision for clarification because the same language is that if there's a vacancy in office of mayor, the council president steps up into the mayor's office and would serve the remainder of the mayor's term, then backfill the president and they serve the remainder of the president's term. Gregorcyk noted it's a representation perspective. He agreed with Denk, and those pitfalls will need to be understood so they don't make wrong decisions.

Councilmember Baldwin said they need to look at a promotion to mayor. If mayor vacates with a year left, and the current president moves up, he's not elected at the same time. If he serves the year, he shouldn't be outed; he should return to his previous seat and replace the mayor with the normal election cycle, because he was elected for that 4-year term. Denk brought it up because of that potential. When backfilling, that council member's spot will be filled with an appointment. Would the appointed person serve the year, and lose their spot? Gregorcyk said that's the root of the appointment; it's to fill a vacancy for a short period. Baldwin noted they have had a lot of appointments in the past and each of the mayors said they need better processes. He proposes changing the appointment process to consider the first runner up in the election. With the appointment process, it becomes political. Roberts noted in her appointment, she was the next runner up. Baldwin said it wasn't a rule; it worked out that way. There is a difference. Being interviewed and appointed is very different than running a campaign and being elected. For them to put in the time, energy, money, and the openness to public scrutiny, they should be the first opportunity to fill a vacancy. The person who was next runner up has applied. They should consider appointing her without doing interviews, and change the process long-term. Roberts doesn't agree with changing it this time because it was published. Baldwin said they can change the Governing Body Rules of Procedure any time. Roberts said it's not fair when they published how they were going to do it. Shute said they are already into the interview cycle because they've accepted applications. Baldwin said they have applications, but not done interviews, and can change the process. Winters agrees with Roberts, they should continue the route they are going. They can take a strong consideration that an applicant finished runner up, but they should continue the process. Baldwin said they should change the process so they don't request applications until the meeting following the resignation. Melton resigned after the meeting and the appointment information went out immediately following the meeting. Council didn't have an opportunity to discuss this. Gregorcyk said it was put it in writing to the mayor on January 9, but nobody knew about until after the meeting. Shute said he didn't want it publicly announced. Gregorcyk said if he resigns a position at work, it would be effective the day he provides it. Shute said they have 5 applicants, and the application period is now closed. He believes the body wants to continue the way things are for this appointment. Winters agreed. Gregorcyk agreed, and said Baldwin's ideas would have had more weight if they knew two weeks ago what they know now. Perspective may have been different. Gregorcyk noted the mayor's email after the meeting. Roberts said there was a notice and he could have told council. Shute said he was honoring Melton's wishes to not announce publicly until after the meeting. Roberts noted he made a video after the meeting, and wasn't in office anymore. He shouldn't have been using a city room to make the video. Citizens can't use that room.

Councilmember Baldwin said he is for fireworks, loves the idea, but he's against it for super bowl. If they open for that, it can get out of hand for other events. Roberts said she would support opening it up for New Year's Eve. Baldwin said that's a different discussion. Mayor Shute said the fireworks will happen anyway, should they strictly enforce? Baldwin said it should be enforced as any other day of the year. Roberts said enforcement will be difficult because the event will be short-lived, but yes. Gregorcyk agrees with Baldwin and appreciates his position. Fireworks is a passion of this community and brings the community together, like the city fireworks display, but this is not the time. They should treat it like any other night. Shute noted consensus.

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Councilmember Winters recognized appointments on the consent agenda. Bryce Augustine is recommitting to UAC. Harrison Hall will be on the EDAC. He thanked them for the service, and looks forward to working with them.

Councilmember Gregorcyk echoed Winters. Gregorcyk spoke with Mr. Hall. He is a new member to the community, and looking for an opportunity to get involved. He's glad to see Mr. Hall on the EDAC and Mr. Augustine continuing on the UAC. Gregorcyk noted there are lot of little girls happy to have the daddy/daughter movie night. It's a great opportunity, an out of the box event. Gregorcyk noted ads on social media for lifeguards and pool staff. How is Parks going to confirm opening of the pool with moving criteria? What is the final date to not open the pool? Director Bruce said applications were due today, but they will extend one week. Last week, the Kansas City metro area pool supervisors met, and a lot of the discussion was about training. This week is the statewide conference. Agencies will virtually come together to discuss what items like dates, time frames, memberships, etc. Bruce won't have anything for the next few weeks, so the focus is to get applications in. Gregorcyk said the community is pro pool, and asked if other pool issues were ready, like leaks and other repairs. Bruce said they won't know until they fire up the pool.

Councilmember Roberts thanked Director Bruce for the July 4th announcement. The video was impressive. It gave people something to look forward to. Bruce said Communications Manager Marshall-Oquendo gets most of the credit; she worked hard to put that together.

Mayor Shute noted the city had some great things happening with financial stability and performance over the past year. 2020 was rough, but the community has weathered it. The city has excellent financial management on the part of the finance department and great leadership on the part of department heads. Revenues remain strong; fund balances are strong. They will be starting the budget process for the next biennial budget. They may be in good position to provide relief for taxpayers. They have done a great job of management. Moving Ms. Nasta into management will immediately improve project management and efficiency, which will provide the city with greater financial performance. Shute is excited for the next several months.

EXECUTIVE SESSION

ADJOURNMENT

There being no further business to come before the Council, on a motion duly made by Councilmember Gregorcyk and seconded by Councilmember Baldwin the meeting adjourned at 8:16 p.m.

City Clerk